

1870-014
Lee Co.

Chancery Causes: Abraham R. Surgenner vs. Benjamin D. Martin &c

Dickinson, France, Childs, Herral, Herald

CA - Contract Dispute
T - Property

- Deed

Virginia Lee County Court

At the honorable house of the Lee circuit court in chancery sitting, your orator A R Surgeon humbly complaining sheweth to your honor that one Benjamin Dickenson now deceased in his life time owned a tract of land of acres situate in this county on the north side of Wallens ridge, he died & the title thereto descended to his heirs to wit Emaly Dickenson, the wife of Absolum R Dickenson, Mary E France the wife of Christian M France, Martha Martin the wife of Elbert S Martin, Letitia Chiles the wife of Benjamin Chiles & Edwin Dickenson he further represents afterwards to wit on the day of 18, Chiles & his wife & Martin & his wife sold & conveyed all their right & interest in said land to Benjamin D Martin and Edwin Dickenson, your orator further charges that afterwards to wit on the day of 18, Benjamin D Martin Absolum R Dickenson & his wife ^{Emaly} ~~Mary E~~ Dickenson, Christian M France & Mary France his wife & William S Martin the guardian of Edwin Dickenson for the consideration of \$2400, all of which except about \$150, has been paid there, sold the said tract of land & give their ^{that is the friends of B D Martin} ~~land~~ ^{land} ~~to~~ ^{to} ~~it~~ ^{it} by deed of general warranty to John Fleurrie, John Fleurrie took the possession of it & made large clearing & permanent improvements on it, he afterwards sold the said land to the complainant and assigned the

<sup>the has settled with John Merrill all he was to pay him
except \$600 of Aug 1872 for which he gave him a note</sup>
Bond for a title to him, he further
charges after Erum Dickenson came of
full age, he ratified & confirmed the
contract of sale made by his guardian
for a portion for him & the bond for a
title signed with his name when under
age, he ratified & acknowledged after
he came of age & received his part of the
purchase money & used it, the said title
Bond is here filed marked (A) & under
a part of this Bill he charges that after
the sale aforesaid to said Merrill
& before a deed was made conveying the
Land Erum Dickenson died intestate
& the legal title that he had decended
to his Brothers & Sisters & the decedents
of such as had died, to wit Mary E France
wife of C M France, Emily Dickenson wife
of Arthur R Dickenson ^{Benjamin Chiles}
& Anne Chiles ^{Benjamin Chiles} wife of
C M France, Ralph Martin, Clay Martin & Anne
Martin ^{children of}
Martha Martin who had died Benjamin
& Anne Chiles children of Letitia Chil-
es who had also died, ^{& the land} ~~in common with the~~
~~children of the said Erum~~
~~Dickenson & the said Benjamin~~
he alleges he is ready & willing & hereby
offers to pay the residue of the purchase
money due for said land with its
interest to date of payment, a decree
permanet to the land referred to is due him
yet the persons named by said Bond and
in whose name the legal title reposes here

hitherto & still fails to convey it to him
he is remedied at the common law in the pre-
ferred & only, redress in equity, he prays
your honor to grant him all such general
& special relief as his cause merits, he prays
that the said persons holding the legal
title be compelled to convey it to him
to that end he makes parties defendant
to this Bill, Benjamin D. Martin, also
Erum R. Dickenson, ^{his wife Emily Dickenson} Christian M. France & his
wife Mary E France, Benjamin Chiles & Anne
Chiles, Ralph Martin Susan Martin and
Clay Martin ^{John Merrill} ~~Martin and~~
~~and prays that they answer~~
this Bill on oath, and for the commonwealth
unit of speed to be sent out against them
and as in equity, law & he will ever pray &c.
Burns P 9

Lute Clerk \$7.65

Guardian ad Litem 5.00

Comer for Report 7.50

J.B.H. 1.63

Atto 15.00

Shff Augustu 1.00

Shff Tagewell .50

Printer 5.00

\$43.28

State. Tax on Dec 2.75

To Comer. Burns 1.00

\$47.03

A R Surgen

Bill

3

M.D. Martin et al

1869 May - Bill filed Order Pub
vs non-Resident Defts and
Henry J. Morgan appointed
Guardian ad Litem for Infant
Defendants + Continued
June - Spw Exp on home depts
and Decree nisi as to same then
July. Decree nisi Conf as to do
Aug - C. P. Campbell + Decree
nisi as to non Resident Defts
Sept. Decree nisi as to same
Confd And of Guardian
ad Litem filed and cause
set for hearing by Off.
Sep. Continued

1870 May Spw. Term Court
" Oct. Term Decree + contd
" " Decree Final

Frisch 96 and 5

The answer of John Merrill to a Bill
in chancery filed in the Lee circuit court
against him & others by A R Surgeson
This respondent for answer to the Bill
admits its allegations, and states
that the complainant is entitled to
all the rights he had on the Bonds
filed in this cause. The complainant
is bound to pay to the defendants
what of the purchase money your
respondent owes for the land. The
amount whereof will appear by
reference to an agreement between
this respondent & complainant
& papers referred to therein on file in
the county & circuit courts clerks offi-
ce, to which reference is had as
a part of this answer. Your respon-
dent would state however that the
complainant owes him a note of six
hundred & seventeen dollars & 19 cents
due the 1st of June 1872. Balance of
purchase money he owes him for the
land which is a lien on the land
& asks the court in decreeing to the
complainant a title to preserve
his lien in the decree. Having fully
answered he prays to be hence dismissed

John Merrill by
Amos B. Brown

John Merrill
and } summer

A R Summer

1870 Filed June 30/70
J.B. West clk

To the Hon John W. Johnston Judge of the Circuit Court
of Lee County.

The answer of Ralph Martin Sue Martin and
Clay Martin infant children of Martha A. Martin deceased and
Elbert S. Martin, and Benjamin and Anna Childs infants
children of Seth W. Childs dead and Benjamin Childs her
husband by Henry J. Morgan their Guardian ad Litem
to a bill filed in this Honorable Court against them and others.
by Abraham R. Surginer assignee of John Herald. respectfully
represents to your Honor That he as such guardian claims for
his said Wards the benefit of all proper and legal exceptions
to the plaintiffs bill, for any error or misstatements therein
which avail them if specially pleaded by this respondent.

This respondent further States that of his own knowledge
he knows nothing of the sale of the land referred to by the
Plaintiff in his bill, nor of the assignment of the title
bond as therein stated, nor has his said Wards or others
informed ^{him} in relation thereto. of any matter which could
be pleaded in ~~delay~~ of the plaintiffs right to demand
a legal conveyance of the land in the bill mentioned, when
the plaintiff or said Herald shall have fully paid the purchase
money therefor.

This respondent further States that his said Wards are young
and of tender years, and are therefore the peculiar objects of your
Honor's guardian care and protection, and their interest in
this suit is respectfully committed to your Honor's care.

And this respondent having now answered for his said
wards so much of the plaintiffs bill as is by him deemed
material prays that his said wards may be hence dismissed
with their costs.

Henry J. Morgan

Ralph Martin & others

Ans { Anshy Guardian
3

A.R. Surgenor

This answer filed at
Sept Rules 1869

H. J. Morgan D.C.

Fee for this answer \$3.00 F. 610

The foregoing answer of Henry J. Morgan guardian ad litem
for the within named infants was deemed to be for the benefit
Henry J. Morgan
John D. West, D. C. Clerk
Dec County Court

A R Singer p^{er}

VS

B D Martin et al Defts

Final Decree

This cause again came on to be heard and Mr J B Burns the Commissioner appointed to make a conveyance of the Lands in the Bill & Exhibits described to the p^{er}, having made & acknowledged a decree to the p^{er}, and produced the same to this court for its approval the same has been examined by the court & is approved & ordered to be certified to the clerk of the county court to be recorded, when the stamp duty & tax is paid thereon, it is further decreed & ordered that the p^{er} recover, against B. D. Martin A R Diekenson, Christian, M. France, Emily Dickenson & Mary E France, his costs by him in this behalf expended to be taxed by the clerk, and the parties are hence dismissed & this cause is stricken from the docket

A R Surzimer

105

} Final
} Decree

B D Martin et al

O. B. Page 144.

Decree approving deed
ordered on 14th day

Extraordinary
for A Kelly
Oct 7. 1870

A. R. Suringer

plf

vs

Decree

B. D. Martin et al Deft

This cause came on again to be heard on the 5th of Oct 1870, on the Bill & Exhibits, answer of the infants & John Hearl depositions & decree of the Court rendered at the last term, and was argued by counsel and the Court being sufficiently advised and decreed & orders. It appears that the Commissioner B. F. Morgan appointed to ascertain & report how much purchase money John Hearl owes the heirs of Benjamin Decker for the land in the Bill & Exhibits mentioned has made his report & filed the same in the clerk's office more than thirty days before the present term of the Court, and no exceptions being taken or filed to the same said report is now approved and confirmed, By the Court. It further appears to the Court, that John Hearl, owed a balance of purchase money, to persons holding his notes therefor, for the land amounting on the 6th day of Nov 1868, \$444, 50 which the plf Suringer bound him self to pay with the interest thereon that should thereafter accrue, which the said Suringer offers to pay but no one entitled to receive it being present to do so. It seems to the Court that the plf is entitled to a conveyance of the Land, reserving in the decree a lien for the \$444, 50 with interest from the 6th of November 1868

and also resuming a lien on the Land for \$617.19 due the 1st of January 1872. Balance of purchase money the p^{er} ones on account of his purchase from John Heurl. It is now therefore adjudged decreed and ordered that Wm H Burns be and hereby is appointed a commissioner, herein he is ordered to convey said land to the p^{er}, resuming the liens aforesaid and acknowledge the same. Before the county court clerk of Lee County, and report the same to this court for its approval, It is further ~~adjudged decreed~~ ~~and ordered~~ that the p^{er} of the defendants his acts herein approved

A R Gungamer
 vs
 Decree
 No 2

B. D. Martin et al

Entered for 141
 Jno. B. West. clk

Gungamer ordered

Enter this decree
 J. A. Kelly
 Oct. 5. 1870

A R Surgenor p[er]f

vs

B D Martin et al Defts

} order

This cause came on to be heard on the Bill & Exhibits answer of the infants filed in the cause and answer of John Merrill and depositions and was argued by counsel, and the court being sufficiently advised now decrees & orders, it appears that the order of publication herein has been duly posted & published as the Law requires which was completed more than two months before the present term of the court and that the defendants residing in this state have been duly served with a summons to answer the Bill more than two months before the present term of the court & the defendants Benjamin D Martin Christian M France Mary E France Abraham R Dickenson and Emily Dickenson have failed to appear & make defence to the p[er]f Bill the allegations of the same are taken as confessed against them. It is adjudged by the court that the p[er]f has the right to have the Land conveyed to him named in the bill & title bond filed as Exhibits, by deed of general warranty, reserving a lien in the deed on the same to secure \$617.19 the p[er]f owes John Merrill due by note the 1st of January ~~1872~~ 1872 as soon as the p[er]f or some one for him shall pay to the defendants the unpaid balance of the purchase money John Merrill owes the defendants for said Land, which the p[er]f in his Bill

offers to pay. But because this court is not advised how much purchase money is due & should be paid before the deed should be made, to ascertain that fact this cause is referred to Henry J. Morgan one of the commissioners of this court, who is ordered to ascertain & report to this court & file his report in the clerk's office of this court at least 30 days before the next term of the court. How much purchase money on the contract of purchase of John Herrick, is due to the defendants or either of them for the land all other matters not herein adjudicated are reserved & this cause is continued.

J. B. Morgan

1857

J. B. Morgan et al

1870. May 5. Trial
in open Court

J. B. Morgan, et al

Enter to record

J. B. Morgan

June 2. 1870

clerk 58

The deposition of William S. Martin & others taken pursuant to Notice at the clerks office of the county Court of Lee County on the day of December 1869. which are intended to be read as evidence on behalf of A.R. Surgeson in a certain Chancery Suit now pending in the circuit court of Lee County in which said Surgeson is plaintiff and A.R. Dickinson & others are defendants,

and neither witnesses nor parties appearing on this day the further taking of depositions is adjourned until Monday the 13th day of Decr 1869 at the same place. This 11th day of Decr 1869.

Jarvis R. Fells J. P.

Monday Decr 13 1869. Met pursuant to adjournment and the said William S. Martin being duly sworn deposes and Says That at one time I was appointed Guardian for Edwin Dickinson deceased and my recollection is that at the time I was so appointed, said Dickinson wanted but a few months of being 21 years old. The heirs of Benjamin Dickinson deceased had sold to John Herald a tract of land known as the Graham tract lying on the north side of Hallens ridge, among whom said Edwin was one and my impression is that I was appointed Guardian for said Edwin for the purpose of signing the Title bond for him to said Herald when in fact said Edwin and his co-heirs made the sale and I as his Guardian signed the title bond, Some years after the said Edwin had attained the age of 21 years, he ratified and confirmed the sale made to said Herald during his infancy, by receiving a part of the pay therefor ^{which is} within witnesses own knowledge and further this witness saith not.

W. S. Martin

I Jarvis R. Fells a justice of the peace for said county do certify that the foregoing Deposition of William S. Martin

was taken sworn to and subscribed by him in my presence
at the time and place and for the purposes mentioned
in the caption and findings Dec. 13th 1869
James H. Fritts J.P.

A R. Surgenner

vs. } Depo.
}

A R. Dickinson & others

Recd of the Justice before
whom taken & filed the
13th of Decr 1869.

H. J. Morgan, D.C.

Virginia Tax Court, Trust

John Herral states that Benjamin
D. Martin, Absalom R. Dickenson
Emaly Dickenson, Christian M. France
Mary E. France, Benjamin Chiles
and Anne Chiles are not residents
of the Commonwealth of Virginia
they each one reside out of the
same State, April the 29th 1869

John Herral
known to before me By John
Hearrell the 29th day of April
1869.

Henry J. Morgan D.C.

Surgener
vs } affidavit
B D Martin et al

Commissioners Office Jonesville Virginia Sept 1st 1870
Abraham R. Surgeson.

vs.

Benjamin D. Martin & others

Plffs

Defendants

In Chancery

To the Honorable John A. Kelly Judge of the Circuit Court of Lee County

This Suit was instituted by the plaintiff against the heirs and distributees of Benjamin Dickinson deceased to obtain a legal title to the lands in the bill mentioned sold originally by said heirs and distributees to One John Herald to whom they executed a title bond, for the title thereof and which title bond was on the 6th day of November 1868 by the said John Herald assigned for value received, to the said A. R. Surgeson, and upon said bond and assignment this Suit is founded.

The said Benjamin Dickinson in his lifetime bought of the heirs of One James Graham the tract of land in the bill and proceedings mentioned and no doubt thought at the time that he had purchased the title thereof by proper deed from the proper parties, But after the death of said Dickinson and perhaps after the execution of said title bond it was ascertained upon examination that no deed or deeds had been made for said land, or if made and delivered, were not recorded and was in fact lost or destroyed, But the said lands having been paid for, the same was considered as having descended to the heirs of said Dickinson. The said Benjamin Dickinson died in the latter part of 1851 leaving 5 children his heirs at law To wit Mary E. who intermarried with Christian M. France Esq., &c. who intermarried with one A. R. Dickinson, Merchant who intermarried with E. D. Martin, Settler, who intermarried

with one Benjamin Childs and Edwin R. Dickinson

Some short time after the death of said Benjamin Dickinson
One Benjamin R. Martin bought the undivided interest of the
said Elbert L. Martin and wife, in the real and personal estate
of the said Benjamin, and obtained a conveyance thereof, and
not long thereafter the said B. R. Martin and the said Edwin R.
Dickinson bought jointly the undivided interest of the said
Benjamin Childs wife in the real and personal estate of
the said Benj. Dickinson and obtained a conveyance thereof.

Thus it is seen that said B. R. Martin by these purchases
became a distributee of said estate, to the extent of one and a
half shares and the said Edwin R. in his own right, and
by virtue of his joint purchase was interested to the same extent,
and the said France and wife, and A. R. Dickinson wife
were each entitled to one share only. And while the rights
of these parties were as here detailed with reference to said
estate (for changes were subsequently made by purchase) to-wit
on the 26. the day of January 1853 the said Benjamin R. Martin
A. R. Dickinson C. M. France and E. R. Dickinson by H. S. Martin
his Guardian sold to John Herald the tract of land in
the bill mentioned and executed to said Herald the said
title bond. And for this land the said Herald was to pay the
said Hires as well as I now remember the sum of \$4000.00 or
\$41500.00 The said Bond is given in the penalty of \$45000.00
contrary to the usual custom, or my memory as to the price is doubtful.

The said Hires about this time, finding that no conveyance had
been made for said land instituted in some honor court a
chancery suit against the heirs of said James Graham to obtain

the legal title thereto, and the said cause was so proceeded with
as to result in the aforementioned by one of your Honor's predecessors
of a Commissioner who was invested with power to convey to the
said heirs the legal title to said land and in pursuance
thereof Ed A L Bridgman the said Comr. Executed a deed
of conveyance therefor which has been recorded in the
clerk's office of this county, which will appear by reference
to said deed ^{or rather a copy thereof} herewith filed marked (A)

The said Herald in pursuance of his contract continued to make
payments to the said heirs toward the purchase price of said land
untill about the 21st day of April 1858 when a Settlement
was had between said Herald and the said heirs, which resulted
in finding the said Herald in arrears to the said heirs about the
Sum of \$919.54 and by mutual consent of all parties, the said
Herald executed to each one of said heirs his note or bond for
the amounts due them respectively according to their rights

The statements made in the last foregoing paragraph are upon
the statements of the parties themselves made in my presence and
hearing, and in support of what I have there stated I find
in file in the clerk's office of the county courts a note executed
by John Herald on the 21st day of April 1858 to Benjamin D. Martin
for \$275.86 which Herald and said Martin both say was given for
said Martins interest in the residue of the purchase money of said
land on the day of the execution of said note, If this is true
and I have no doubt upon that point, it then follows that of said
Martins one share and a half amounts to that Sum, The Share
and a half due the said Edwin R. Dickinson would be the like
Sum of \$275.86 and at that rate there was due at the same

to C M France wife the sum of \$183.90⁷³ And to said A R Dickinson wife the like sum of \$183.90⁷³

Upon the note executed by said Herald as aforesaid to said B D Martin there was paid by said Herald on the 3rd day of February 1859 the sum of \$196.78 which is credited on the back of said note after this payment was made the said Martin transferred the said note to Elijah Hill by whom the same was put in Suit for the benefit of One Jacob Fisher And at the March Term of the county Ct. 1861 judgment was obtained upon said note against ^{the said} Herald

The balance due upon this note principal interest and costs up to the 6th day of November 1865 amounts in the aggregate to \$152.06

The balance due the said Edwin R Dickinson for said land is acknowledged by his administrator to have been fully paid by said Herald within the last year so there is no charge against said land in this case

The said Herald alleges that he has paid upon the notes due said France and A R Dickinson a considerable sum, but the exact amount is unknown it seems to him, and of course is unknown to your Commissioner. The note due said France as I presume is in his possession and when last heard from was living near Huntsville Alabama, and the note due A R Dickinson is supposed to be in his possession at Morristown Tennessee. Thus it is seen, that it is impossible for me to report with exact certainty the amounts yet due upon these two notes, And I can only approximate the sum yet due thereon upon the basis of a calculation made by the said Herald and the plaintiff A R Surgenor at the time the latter purchased of said Herald the land in his bill mentioned.

I file herewith as a part of this report marked (B) a bond executed on the 6th day of November 1865 by A R Surgenor the plaintiff in this

cause to the said John Herald from which it will be seen, that they on that day computed and estimated that there was yet due from said Herald to said Heirs a balance for said land amounting in the aggregate to \$444.50 and by the terms of the said Bond the said Surgenner undertook and bound himself to pay that sum to the heirs of said Dickinson or their assignees, and in consideration of this undertaking the said Herald gave him a credit for that sum out of the purchase price of said land.

Now as we have before seen there is yet due upon the said Martin note the sum of \$152.06 on the 6th of Nov 1868 and that sum deducted from said \$444.50 leaves a balance of \$292.44 on that day as being due said France and A.R. Dickinson. A copy of the Jt. in favor of B.D. Martin for against said Herald is herewith filed as a part of this report marked (C)

Now in response to a Decree rendered in this cause on the 2nd day of June 1870 I have to report that on the 6th day of Nov 1868 there was due the heirs of Benjamin Dickinson deceased from John Herald the sum of \$444.50 as a balance of the purchase money for the land in the bill mentioned and this report is made upon the foregoing statements and remarks and exhibits being the best data accessible to me upon which to base a report.

I thought perhaps a list of historical statements of the transactions had with reference to the said land might in some way aid in making a final disposition of the cause, and with that view these extended remarks and observations were submitted.

And having now responded to the said Decree ask Hence to be discharged all which is respectfully Submitted.

Henry J. Morgan Const
Sept 2nd 1870

Abraham C. Surgenor

vs. } Commeffence of Sept.
}

B.D. Martin & others
Filed Sept: 2nd 1870
Jno B. West, Clk.

Commeffence Fee 1.50 (chd)

Whereas the heirs of Benjamin Dickinson deceased, heretofore
filed a bill in chancery in the Circuit court of Lee County
for the purpose of setting up and proving a certain Deed of
conveyance of land alleged to have been made by Joseph
D Graham and Graham his wife, to Benjamin
Dickinson in his lifetime; which deed the plaintiffs alleged
in their bill conveyed unto the said Benjamin Dickin-
son, all of the right, title, and interest of the said Joseph
D Graham & wife in, and unto several adjoining tracts of
land lying and being in Lee County on the North side of
Wallens Ridge, and South side of Fowells River, which
had descended to the five heirs at law of James Graham
deceased, the said Joseph heirs are of the said heirs, and he
having then purchased the interest of two other of the said
heirs, namely William and Elisha V Welling and Jane his wife
formerly Jane Graham, so that the said Deed alleged to have
been made to the said Benjamin Dickinson, by the said Joseph
D Graham & wife, conveyed in fee simple the undivided three
fourths of the land descended to the said Joseph and purchas-
ed as aforesaid, which Deed is also alleged to have been
regularly acknowledged by the said Joseph D Graham & wife
as adjudicated by a decree in said cause, and the said land
thus conveyed is proven to have been the same, whereon John
Herrall lived on the 4th day of March 1870, and by a decree
rendered in said cause Auburn L Pridmore has been appoint-
ed a special Commissioner in said cause for the purpose of
conveying by Deed to the plaintiffs in the said chancery cause
the fee simple to the undivided three fourths of the said land
as in the proceedings mentioned, wherefore in pursuance of
said decree, The said Auburn L Pridmore Commissioner as
aforesaid doth grant and convey with special warranty unto
the legal heirs of Benjamin Dickinson deceased, the undivided
three fourths of said tracts of land, conveyed as aforesaid by
Joseph D Graham & wife, to Benjamin Dickinson deceased

Witness the following signature and seal, this 1st day of May 1869.

Auburn L. Pridemore Seal

Lee County Courts, Clerks Office, May 1st-1869.

The foregoing Indenture of bargain and sale for land between Auburn L. Pridemore a special Commissioner of Circuit Court of Lee County for the purpose named therein of the first part, and the heirs of Benjamin Dickinson decd of the other part was this day acknowledged before me by the said Pridemore Commissioner as aforesaid, and the said Deed being duly stamped is admitted to record

Teste - John B West. D. Clerk

Copies Teste - James W Orr. D. Clk.

Benjamin Dickinson's heirs

John B West

A. L. Pridemore Court

JA

Fee for copy 40 cts

Know all men by these presents, that I, Abram R. Sur-
giner, of the County of Lee ^{and State of Virginia,} am held ^{and}
firmly bound unto John Harrell, ^{of the County and State aforesaid} in the penal sum of eight
hundred ^{and} eighty-nine dollars, current money of Virginia,
to be paid to the said Harrell, his Executors, administra-
tors or assigns; for which payment, well and truly to be
made as aforesaid, I bind my self, heirs, Executors and
administrators, and each of them, firmly by these presents.
Witness, the following signature and seal this, 6th, day
of November 1868.

The Condition of the above obligation is such that where
as there is still due the heirs of Benjamin Dickinson
deceased or their assignees the sum of \$444.50 or there-
abouts from the said Harrell as a part and balance of
the purchase money for a certain tract or parcel of land
~~conveyed~~ ^{sold} by said heirs to said Harrell and for which
land aforesaid the said Harrell held a title-bond, ^{and}
~~which title-bond~~ the said Harrell has this day bargain-
ed ^{unto said Surginer said land} and assigned ^{unto said Surginer}; Now,
therefore, if the said Surginer shall pay the balance of the
purchase money aforesaid (provided the same be not more
than \$444.50 ^{with interest thereon from this day} in which case the said Harrell is to pay the
overplus to said heirs or assignees, and if said balance be
less than \$444.50, then said Surginer is to pay the difference
between the balance actually due of said purchase money and
said \$444.50 to the said Harrell) to the said Harrell <sup>or their assign-
ees</sup> when they shall make unto him, the said Surginer a
good ^{and} sufficient conveyance in fee-simple, with the usu-
al covenants, of all that certain tract or parcel of land
aforesaid - then this obligation to be void, otherwise to remain
in full force and virtue.

A R Surginer, ^{Seal}

Sealed and delivered in presence of:-

Witness
D. Polit

Lee County Court, Clerk's Office, 1st 8th day of May 1869.

The foregoing Bond from A. R. Surginer to John
Harrel was deposited in this office by the said Harrel
and, at his request, said Bond is admitted to
record, thereon being duly stamped. Teste - J. B. West, D. Clerk



John Harrel

From $\frac{3}{2}$ Bond
3

A. R. Surginer

Recorded in Deed

Book No. 15 p 692

J. B. West, D. C.

(B)

for Bill

Virginia.

At a Court of Quarter Sessions begun and held
for Lee County, at the Court-House thereof, on Monday,
the 20th day of March 1870.

Benjamin D. Martin, for &c. Plaintiff
against John Herrald Defendant } In Debt.

The defendant not appearing, it is considered by the Court that the judgment obtained against him in the Clerk's Office for \$275.86 - the Debt in the Declaration mentioned with legal interest thereon from the 22nd day of April 1858 till paid and the costs, be made final, subject to a credit of \$196.78 paid the 3rd day of February 1859.

C 2. 57 A 2. 50 S 50 T 1. 00

A copy-

Sept. -
Lest. - Geo B. West, clk.

Benj^m D. Martin, for the
benefit of Elijah Still, who
sues for Jacob Fisher
vs. $\frac{3}{4}$ Copy of Judgment
John Herring.

(6)

Fee for Copy: 20 cts.

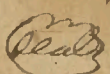
Know all men by these presents, That
we, Ben. D. Martin, A.R. Dickerson, E.D. Dickerson
all of the County of Lee State of Va., and C. M.
France of the County of Knox & State of Ky.
are held & firmly Bound unto J^{tho} Herold
in the penal sum of four thousand four
hundred dollars, for the true payment of
which we bind ourselves our heirs & C. firmly
by these presents. Witness our hands & seals
This Jan'y. 26th - 1853

The condition of
the above obligation is such, That whereas,
the s^d Martin, A.R. Dickerson, E.D. Dickerson &
C. M. France, have this day bargained sold unto
the s^d John Herold a certain tract or parcel
of land, lying in the s^d County of Lee on the N.
side of Waltem Ridge, it being the same tract
or parcel of land that Benja. Dickerson bro^t
off the heirs of James Graham; the quantity,
bearings & distances of which will fully appear
by reference to a deed or deeds now of Record, in
the Clerk's office of Lee Co. from the s^d heirs
of James Graham Dec^d to the s^d Benja. Dick-
inson. Now if the s^d Martin, A.R. Dickerson,
E.D. Dickerson & C. M. France, shall make or
cause to be made unto the s^d Herold a good &
lawful right & title to s^d described tract or
parcel of land, then this bond to be null & void,
Otherwise to remain in full force & virtue,
Given under our hands & seals the day & year above
written.

Ben. D. Martin Seal
A. R. Dickerson Seal
E. D. Dickerson Seal
C. M. France by
W. D. Martin agt
The s^d Herold is
to have possession of
March next or sooner
if convenient.

I, John Sterrell, for and in consideration of
the sum of \$3000 - to me paid, or secured, to be
paid, do hereby assign ^{all my right, title, claim & interest in and} the within title - Bond to
the lands therein described, lying & being in the County of
Lee on the North side of Loalan's ridge, it being the same
tract or parcel of lands that Benjamin Dickinson
bought of the Heirs of James Graham deceased, to
Abram R. Burziner of the County aforesaid and State

of Virginia. Witness, my hand and seal this 6th
day of November 1868.

John Sterrell 

Witnesses:-

J. R. West

William ^{Wright} Davidson
mark

Virginia

At Rules held in the Clerk's office of the Circuit Court
of Lee County on Monday the 30th day of May 1869.

Abraham R. Surinmer

Plff

vs.

Benjamin D. Martin, A R. Dickinson, Emily
C. Dickinson, Christian M. France Elizabeth
France Benjamin Childs, Ann Childs
Ralph Martin, Sue Martin, Clay Martin
and Belina Dickinson

In Chy

Defts.

The object of this Suit, is to obtain a legal title to the land
in the bill mentioned, and it appearing from evidence
filed in the cause, that said B.D. Martin A.R. Dickinson
Emily Dickinson, Christian M. France Elizabeth France
Benjamin Childs and Ann Childs are non residents of
this commonwealth, It is therefore ordered that they
appear here within one month after due publication of
this order, and do what is necessary to protect their
interest in this Suit *

A copy Teste.

Henry J. Morgan, C.C.

* + On the motion of the plaintiff Henry J. Morgan is appointed guardian ad litem for Ralph, Sue and Clay Martin and Benjamin and Ann Childs infant defendants in this cause to defend their interest herein and the cause is continued

I do certify that on Monday May 17th 1869. that being court
day I posted at the door of the court house of Lee County a copy
of the above order of Publication

H. J. Morgan, C.C.

Abraham R. Surgenor
vs. } Order of Publication
Benj. D. Martin et al.

Me Henry J. Morgan Guardian ad Litem for, Ralph Martin, See
Martin and Clay Martin, and Benjamin Childs and Ann
Childs, and Benjamin D. Martin A. R. Dickinson and Emily C.
his wife, to Mr France and Mary E. his wife, and Celina Dickin-
son You will each take notice that at the clerk's office of
See County Court, on Saturday the 11th day of Decr.
1869. I will take the deposition of William S. Martin and
Daniel S. Dickinson which are intended to be read as evidence
in my behalf in a certain Chancery Suit now pending
in the circuit court of See County in which I am plaintiff
and you are defendants, and if from any cause
the taking of the same should not be completed on that
day the taking of the same will be adjourned from
time to time, and place to place till completed.

A. R. Burgess
Nov. 30 - 1869

A R Surgenor

vs } Notice
}

B D. Martin & al

Accepted Legal Service, of the within Notice
H F Morgan & Co Attorneys

The Commonwealth of Virginia,

Augusta

TO THE SHERIFF OF ~~LEE~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Benjamin D. Martin, A.R. Dickinson,
Emily C. Dickinson, Christian M. France, (and Mary C.
France, Benjamin Childs, Ann Childs, Ralph Martin,
Sue Martin, Lelay Martin, (and) Celvia Dickinson*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, in
the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer a Bill in Chancery exhibited in our said Court
against *them* by *Abraham R. Surgeon*

And have then there this writ. WITNESS, *Sylvester E. Thompson*
~~HENRY J. MORGAN~~, Clerk of our said
Court, at the Court House, this , *14th* day of *May* 1869, in
the *9th* year of the Commonwealth.

Henry J. Morgan, R. Clerk.

(S)

A. R. Burgenes

vs. 3 Spa. in Chy to Augusta

Benjamin D. Martin et al.

June Rules 1869.

Executed May 31st 1869
as to Clay & Sue Martin
by copies in person
of within Chan't Spa
the other within named
defts not found in my
Daily work
Wm Catcher

Sheriff Augusta co
Va

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Benjamin D. Martin A R. Dickinson*
Emily C. Dickinson Christian M. France and Mary C. France
Benjamin Childs, Ann Childs, Ralph Martin Sue Martin
Clay Martin and Celina Dickinson

to appear before the Judge of our Circuit Court for Lee county, at the Court House,
in the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer *a bill in Chancery exhibited*
in our said court against them by Abraham R. Surgenor

And have then there this writ. WITNESS, *Salvester C. Thompson*
~~HENRY J. MORGAN~~, Clerk of our
said Court, at the Court House, this *14* day of *May* 1869, in the
93rd year of the Commonwealth.

Henry J. Morgan D. Clerk.

Executed on Ralph Martin by delivering him
an attested office copy of the within writ but not
executed on the other defendants they being non res-
idents of the Commonwealth and inhabitants
of other counties in this State May 21st 1869
William W. Sage S. T. C.

(S)
Abraham R. Banger
vs. {
Spha in bankruptcy
Benjamin N. Martin et al.
June Rules 1869.

The Commonwealth of Virginia,

Lazewell
TO THE SHERIFF OF ~~LEE~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Benjamin D. Martin, A. R. Dickinson*
Emily C. Dickinson, Christian M. France, and Mary C.
France, Benjamin Childs, Ann Childs, Ralph Martin,
Sue Martin, Clay Martin and Celina Dickinson

to appear before the Judge of our Circuit Court for Lee county, at the Court House,
in the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer *a Bill in Chancery exhibited*
in our said Court against them by Abraham R. Surge,

And have then there this writ. WITNESS, *Sylvester E. Thompson*
~~HENRY J. MORGAN~~ Clerk of our
said Court, at the Court House, this *14th* day of *May* 1869, in the
9th year of the Commonwealth.

Henry J. Morgan Clerk.

A. R. Burges
 vs. { Spain liby to Tazewell
 Benjamin D. Martin et als.
 June Rules 1869.

Excuse I owe Mrs
 Celina Weckman
 By delivering her
 a copy of the
 work in May 19/69
 John C. Hopkin
 R & for W. L. C.
 S. J. C.

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published
four weeks successively, ending *June 11th*, 1869,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *9th*
day of *July*, 1869,

Geo. R. Barr,
Jr. Ed. "Virginian,"

VIRGINIA:—At Rules held in the Clerk's office of the Circuit Court of Lee county, on Monday, the 3d day of May, 1869.

Abraham R. Surgener,

Pff.

AGAINST

Benjamin D. Martin, A. R. Dickinson, Emily C. Dickinson, Christian M. France, Elizabeth France, Benjamin Childs, Ann Childs, Ralph Martin, Sue Martin, Clay Martin, and Celina Dickinson,
Defts.

IN CHANCERY.

The object of this suit is to obtain a legal title to the land in the bill mentioned. And it appearing from evidence filed in the cause that B. D. Martin, A. R. Dickinson, Emily Dickinson, Christian M. France, Elizabeth France, Benjamin Childs and Ann Childs are non-residents of this commonwealth, it is, therefore, ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, D. C.

May 21, 1869—4w.